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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/527,253

03/09/2005

Sebastian Hallensleben

P17536-US1

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10/20/2008

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EXAMINER

GYORFI, THOMAS A

ART UNIT

PAPER NUMBER

2435

MAIL DATE

DELIVERY MODE

10/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/527,253 | <b>Applicant(s)</b><br>HALLENSLEBEN, SEBASTIAN |  |
|                              | <b>Examiner</b><br>Thomas Gyorfi     | <b>Art Unit</b><br>2435                        |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/7/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-4 and 7-17 remain for examination. The correspondence filed 7/7/08 added claim 17 and amended claims 1-4, 7, & 11.

### ***Response to Arguments***

2. Applicant's arguments filed 7/7/08 have been fully considered but they are not persuasive. Against the rejection of the claims in view of the Anton and Inoue references, Applicant argues:

Inoue discloses a mobile computer which moves into another second network requests access to the second network. To authenticate the mobile computer in the second network, the mobile computer provides a key request message to the gateway to determine if the mobile computer is authorized to use the different network. The key request message, sent by the mobile computer, includes information on the user. Inoue does not teach or suggest the first network providing an identifier to the second network. Inoue requires the mobile computer to provide an identifier to the gateway, rather than the first network providing the identifier to the second network. Thus, Inoue, in a similar fashion to Anton, requires a mobile device input of the identifier rather than the first network providing the identifier to the second network.

Examiner disagrees, observing that the instant application provides little guidance as to how exactly a "network" is intended to perform the claim limitation at issue. The instant specification does not define what comprises a "network", except inasmuch as it may be wireless or wired telecommunications network as desired (specification, page 2, lines 18-21). As a result, Examiner is uncertain as to how exactly the network(s) of the instant invention are to implement the disputed limitations, given that one of ordinary skill in the art would recognized a network to consist of a plurality of interconnected devices. However, Inoue discloses wherein the gateways which perform the equivalent functionality are clearly members of their respective networks (elements

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1a, 1b, & 1c and 4a, 4b, & 4c, respectively, of Figure 2). Examiner submits that if it can be shown that at least one device on a given network performs the claimed functionality, then the network to which said device belongs can also be said to perform said functionality. This interpretation appears to be corroborated by language from the Anton disclosure, wherein network [129] is identified as performing the authentication of end users, while subsequently describing that the actual steps to achieve the authentication are performed by various devices on said network (col. 8, line 45 - col. 9, line 25). Further regarding the rejections of the claims, Applicant argues,

Furthermore, Anton does not teach or suggest accessing an application independent of the first or second networks. Anton merely discloses accessing an internet service provided by the second network. In addition, Inoue does not teach or suggest accessing an application independent of the first or second networks. Inoue merely discloses accessing a gateway.

Examiner disagrees on both points. With respect to the former argument, one of ordinary skill in the art would have recognized that the "internet services" provided to a user of the Anton invention would have included "web applications" and other such rich Internet content (cf. the Macromedia reference enclosed herein). The instant specification provides no guidance as to what exactly constitutes an "application" in the context of the instant invention, therefore any target web page that might comprise rich content as per the Macromedia reference would still qualify as an "application" under the broadest reasonable interpretation of the term. Furthermore, observe that the target web page is independent of both access point networks as well as whichever network(s) the authentications web pages reside on (Anton, Figure 1). With respect to Applicant's latter argument, again the argument is predicated on an inadequate definition of what

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comprises a “network” in the context of the instant invention (see the Examiner’s arguments *supra*).

Examiner maintains that any deficiencies regarding the Anton reference are remedied by the teachings from the Inoue reference, and that therefore the claimed invention is unpatentable.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: Applicant has argued that a first and second “network” perform the various limitations of the claims, but has failed to define what comprises a “network”, and which of their constituent components actually perform the claimed limitations. See the Response to Arguments above for more information.

### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-4 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anton et al (U.S. Patent 7,185,360) in view of Inoue et al. (U.S. Patent 6,163,843).

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Regarding claims 1 and 7:

Anton discloses a method and system for requesting access for a user to an application, wherein an entity providing said application can be accessed from at least through a first network and a second network, comprising: granting the user access to the second network (col. 8, lines 45-60; col. 9, lines 20-25); receiving a request for accessing the application from the user (Ibid); detecting that the user already contacted the application via the first network (col. 9, lines 20-45); receiving the requested identifier by the second network (Ibid, and col. 9, lines 45-65); and sending a request by the second network for accessing the application and the identifier received from the first network towards the entity providing the application (Ibid, and col. 10, lines 1-45).

Anton does not explicitly disclose wherein requesting by the second network from the first network an identifier that has been used by the first network to identify the user towards the entity that provides the application. However, Inoue discloses an analogous system wherein a mobile device attempting to access a remote node from a foreign network may be authenticated by requesting an identifier from its home network (col. 10, lines 50-60; col. 11, lines 25-40; Figure 6). The claims are thus obvious because all of the elements were known in the prior art, and one of ordinary skill in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Examiner also wishes to note that, given that the application(s) to be accessed in at least the Anton invention are web applications, Examiner takes Official Notice that the

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ability of a second network to detect that user already contacted the application from a first network was already quite well known in the art, and could be achieved through the use of common HTTP cookies (see the enclosed Wikipedia reference, particularly pages 2-3, "Privacy and anonymity").

Regarding claim 11:

Anton discloses a system for handling a user request towards an external application wherein a network node providing said application is accessible from a first computer network and a second communication network, said second communication network comprising: means for receiving an access request from said user wherein said access request is for accessing said application associated with said network node (col. 8, lines 45-60; col. 9, lines 20-25); means for determining that the user had previously attempted to access said application using said first communication network (col. 9, lines 20-45); and means for requesting access request to said network node from said second communication network using user information (Ibid, and col. 9, line 45 – col. 10, line 45).

Anton does not explicitly disclose wherein the second communication network has means to request and subsequently receive user information from the first communication network. However, Inoue discloses an analogous system wherein a mobile node connected to a foreign network attempting to access a service on a remote network will cause the foreign network to contact the mobile node's home network for user information (col. 10, lines 50-60; col. 11, lines 25-40; Figure 6). The claim is thus

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obvious because all of the elements were known in the prior art, and one of ordinary skill in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Examiner also wishes to note that, given that the application(s) to be accessed in at least the Anton invention are web applications, Examiner takes Official Notice that the ability of a second network to detect that user already contacted the application from a first network was already quite well known in the art, and could be achieved through the use of common HTTP cookies (see the enclosed Wikipedia reference, particularly pages 2-3, "Privacy and anonymity").

Regarding claims 2 and 8:

Anton further discloses wherein the first and second network are run by a different operator (col. 11, lines 10-25).

Regarding claims 3, 9, and 14:

Inoue further discloses sending authentication information to the first network (Figure 6).

Regarding claims 4 and 10:

Anton further discloses wherein the entity providing the service stores a profile of the user at reception of the first attempt of the user to access the service, wherein the



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profile is associated with the identification sent from the first network and wherein the second network uses the same identification for the user towards the entity providing the service in order to achieve that the stored profile is used for the user (col. 9, line 45 – col. 10, line 35; cf. col. 5, lines 5-20).

Regarding claim 12:

Anton further discloses wherein said user information includes user identification data used by said first communication network in communicating with said network node (col. 10, lines 15-35).

Regarding claim 13:

Anton further discloses wherein said user information includes user preference information used by said first communication network in communicating with said network node (using cookies: col. 5, lines 20-35).

Regarding claim 15:

Anton further discloses receiving an indicator from said user (col. 9, lines 25-45).

Regarding claim 16:

Inoue further discloses means for determining that the user had been ported from said first communication network to said second communication network (col. 8, 27-32).

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Regarding claim 17:

Inoue further discloses storing the identifier in the first network (col. 11, 20-45).

### ***Information Disclosure Statement***

7. The information disclosure statement (IDS) submitted on 7/7/08 has been considered by the Examiner.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Gyorfí whose telephone number is (571)272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG

10/10/08

/KimYen Vu/

Supervisory Patent Examiner, Art Unit 2435